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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,963	06/16/1999	NAOKI TAKAOKA	1982-0127P	4777

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EXAMINER

LAROSE, COLIN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/04/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

84

# Office Action Summary

Application No.

09/333,963

Applicant(s)

TAKAOKA, NAOKI

Examiner

Colin M. LaRose

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 11-13, 16-18 and 23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-4, 8, 11-13, 16-18 and 23 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Arguments and Amendments***

1. Applicants' arguments and/or amendments filed 27 January 2003, have been entered and made of record. Claim 22 has been canceled. Claim 23 has been added. Claims 1-4, 8, 11-13, 16-18, and 23 are pending.

### ***Response to Amendments and Arguments***

2. Applicant argues that the combination of Kubo and Nielsen is unreasonable because Nielsen's radio buttons "may NOT be used for the execution of more than one option" in contrast to the claimed invention, which provides for "processing of multiple processes" (Paper 10, pages 10-11).

Nielsen does provide for the execution of more than one option. Figure 4 shows two sets of options (302, 304, and 306 as a first set; 308 and 310 as a second set). A combination that consists of exactly one option from each set can be executed. A combination that consists of more than one option from any one set is not permitted since the options in a set are mutually exclusive with respect to each other. Thus, Nielsen allows a valid combination of options to be executed but disallows an unsuitable combination.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1, 3, 8, 11, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo and Nielsen.

Regarding claim 1, Kubo discloses an image processing apparatus (figure 1) for processing an image recorded on a recording medium, said image processing apparatus comprising:

an image reading device (elements 32, figure 1) for reading the image recorded on the recording medium as digital image data, subjecting the read digital image data to predetermined image processing (conversion portion 40, figure 2 subjects the image data to processing using a look-up table that was previously set (column 13, line 2)), and outputting processed image data (conversion portion 40, figure 2 outputs processed image data to memory 42 or correcting portion 44);

means for carrying out a necessary image processing on all of the image data read by the image reading device (conversion portion 40, figure 2 carries out necessary processing on all the data read by scanner 32);

means for carrying out a special image processing on the image data read by the image reading device, the special image processing being specially designated by an operator request (figure 4 is a user interface for allowing a user to use a cursor 60 to designate special processes to be carried out by the CPU 14, figure 1); and

means for instructing the special image processing to be carried out by said special image processing means (mouse 24, figure 1 is means for the user to instruct the processes to be carried out).

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Figure 10 of Kubo shows an example of a graphical user interface for instructing special processing to be carried out. Kubo teaches that special processes relating to the image's size, color tone, and white margin are selected via pull-down windows.

Figure 11A lists the special processes related to the size parameter. Similarly, figure 11B and 11C list the special processes related to the color tone and white margin, respectively. It is apparent that the special processes in each of the respective lists are mutually exclusive. For example, the margin cannot be both 2mm and 3mm, so only one margin size can logically be designated (figure 11C). Thus, any specified combination of margin sizes is an erroneous combination. The same is true for specifying both color tone processing and black-and-white processing (figure 11B) or any combination of the different size specifications (figure 11A). Selecting more than one process from any of the three lists in figure 11 is an erroneous combination. Since the processes in each of the lists are predetermined, any combination of intra-list processes is also predetermined to inherently be erroneous.

In this regard, Kubo implicitly discloses predetermined combinations of special processes as being erroneous but does not teach canceling special image processing if one of the predetermined combinations is instructed. For example, Kubo does not address the case wherein both 2mm and 3mm are instructed to be the margin size, or even if said instruction is permitted.

Nielsen discloses a user-interface tool (figure 4) that prohibits mutually exclusive options from being carried out. The tool, known as radio buttons, presents the user with a list of mutually exclusive options. The user may select any successive combination of options, however, Nielsen's tool prevents more than one option from being executed when a user selects mutually

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exclusive options in combination. Thus, a novice user or the like is prevented from erroneously or negligently executing two or more options that are mutually exclusive (column 2, lines 3-7).

Furthermore, Nielson discloses multiple sets of mutually exclusive options (figure 4). Options 302, 304, and 306 comprise one set, and options 308 and 310 comprise a different set. Since options 302, 304, and 306 are mutually exclusive, a selected option is canceled when another option from the predetermined set is successively selected in combination. The same is true for the set 308 and 310. See column 5, lines 45-59.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kubo by Nielsen to achieve the claimed invention since Kubo implicitly discloses special processes in predetermined combinations (figures 11A, 11B, 11C) are mutually exclusive, and Nielsen teaches that radio button sets are used to cancel an option when predetermined successive combinations of mutually exclusive options are selected. This modification is equivalent to replacing each of Kubo's pull down menus with a set of Nielson's radio buttons.

Regarding claim 8, the modification to Kubo by Nielsen teaches that a special image processing instructed last is given priority and a special image processing instructed first is cancelled (column 1, lines 58-60) when the predetermined combination of special image processings has been instructed by said instructing means.

Regarding claim 3, Kubo discloses special image processing means that includes an image structure effects for correcting the overall structure of an image, color reproduction effects

for correcting the color tone of the image, and special effects for performing a variety of special processings (figure 4).

Regarding claims 11 and 13, figure 4 of Kubo provides a visual means (element 68) to notify the operator of the special image processings that have been instructed.

Regarding claims 16 and 18, Kubo discloses the use of a monitor (element 30, figure 1) that can display an image in a plurality of display states (elements 86-87, figure 8) and an instruction menu (element 84, figure 8) corresponding to image processings that is made to be valid only when the corresponding image is displayed on the monitor (column 21, lines 29-33). Thus, the image processings activated by the menu buttons must match the display state for any instructions to be considered valid.

5. Claims 2, 4, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo and Nielsen in view of Nealon.

Regarding claim 2, Kubo discloses an instructing means that gives instructions based on a user's manipulation of a mouse (element 24, figure 1) or a keyboard (element 22, figure 1).

Kubo is silent to a system in which a customer provides, to the instructing means, a recording medium containing order information.

Nealon discloses a method by which a customer presents instructions in accordance with a recording medium, which contains encoded order information. "Customer comments and order instructions are recorded magnetically on the film" (column 7, lines 32-34), and the information is transmitted to an order entry station (column 7, lines 37-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kubo by Nealon since inputting a recording medium containing order information to an instructing means is functionally equivalent to inputting order information by a mouse or a keyboard in that both methods accomplish the task of providing instructions.

Regarding claim 4, Kubo discloses special image processing means that includes an image structure effects for correcting the overall structure of an image, color reproduction effects for correcting the color tone of the image, and special effects for performing a variety of special processes (figure 4).

Regarding claim 12, figure 4 of Kubo provides a visual means (element 68) to notify the operator of the special image processings that have been instructed.

Regarding claim 17, Kubo discloses the use of a monitor (element 30, figure 1) that can display an image in a plurality of display states (elements 86-87, figure 8). As established for claim 1, an instructed special process is not valid when in a predetermined combination with another mutually exclusive process. Therefore, the instruction is considered valid when the selected contents of the image processing of the special image processing means instructed by the instructing means (i.e. the selected special processes) and the display state of the monitor (i.e. the visual indication of the contents to the use) do not match the predetermined combination.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo and Nielsen.



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Regarding claim 23, Kubo discloses an image processing apparatus (figure 1) for processing an image recorded on a recording medium, said image processing apparatus comprising:

an image reading device (elements 32, figure 1) for reading the image recorded on the recording medium as digital image data, subjecting the read digital image data to predetermined image processing (conversion portion 40, figure 2 subjects the image data to processing using a look-up table that was previously set (column 13, line 2)), and outputting processed image data (conversion portion 40, figure 2 outputs processed image data to memory 42 or correcting portion 44);

means for carrying out a necessary image processing on all of the image data read by the image reading device, wherein said necessary image processing includes color balance adjustment (74, figure 4; and figure 5);

means for carrying out a special image processing on the image data read by the image reading device, the special image processing being specially designated by an operator request (figures 4 and 10 are user interfaces for allowing a user to use a cursor 60 to designate special processes to be carried out by the CPU 14, figure 1), wherein said special processing includes monotone finish (color tone pull-down menu, figure 10; and 106, figure 11B); and

means for instructing the special image processing to be carried out by said special image processing means (mouse 24, figure 1 is means for the user to instruct the processes to be carried out).

Kubo is silent to the instructing means wherein unsuitable combinations of image processings are prohibited from being executed on the image by said special image processing

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means and suitable combinations of image processings are permitted to be executed, said unsuitable combinations of image processings being at least a combination of image processings from said instructing means that is mutually opposite or erroneous

Nielsen discloses a user-interface tool (figure 4) that prohibits mutually exclusive options from being carried out. The tool, known as radio buttons, presents the user with multiples sets of mutually exclusive options (e.g. set 302, 304, and 306; and set 308 and 310). As stated above, the user may select any combination of options, so long as the combination contains only one option from each set. Nielsen's tool prevents more than one option in a set from being executed when a user selects multiple options from the set. Thus, a novice user or the like is prevented from erroneously or negligently executing two or more options that are mutually exclusive (column 2, lines 3-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kubo by Nielsen to achieve the claimed invention since Kubo implicitly discloses special processes in predetermined combinations (figures 11A, 11B, 11C) are mutually exclusive, and Nielsen teaches that radio button sets are used to cancel an option when predetermined successive combinations of mutually exclusive options are selected, wherein combinations that do not contain more than one mutually exclusive option are permitted. This modification is equivalent to replacing each of Kubo's pull down menus in figure 10 with a set of Nielson's radio buttons.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.


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26 March 2003



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